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MEMORANDUM
Board of Supervisors Meeting of August 19, 2021

TO: Board of Supervisors

FROM: Heather Ferris
Planning Manager

DATE: August 18, 2021

SUBJECT: **Items 14 D. and 14 E.**

Since the release of the packet, it has come to my attention that several of the pages from the application information are missing from the packet for Item 14D which also provides supporting documentation for Item 14E. Attached is a copy of the affected portion of the application packet including the missing pages.

SILVER OAK AT COLLEGE PARKWAY

TENTATIVE SUBDIVISION MAP
SPECIAL USE PERMIT
MAJOR VARIANCE

JUNE 17, 2021
REVISED JUNE 30, 2021



Prepared For:

**Lanturn
Investments, LLC**

Prepared By:



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APPENDICES

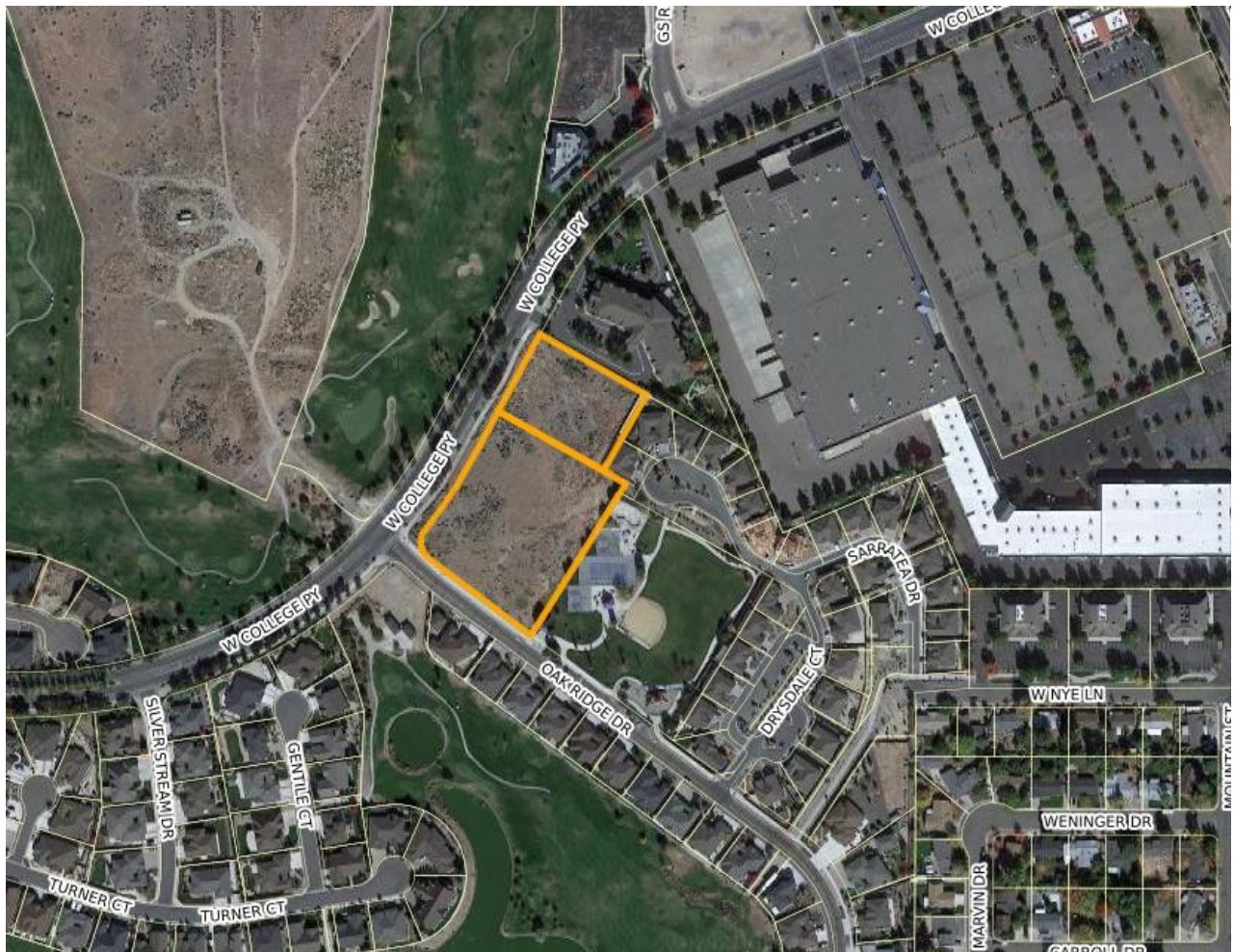
- Application & Supporting Information
- Copy of Conceptual Subdivision Map Letter
- Master Plan Policy Checklist
- Tentative Map Plan Set
- Landscape Plan
- Road Name Reservation
- Conceptual Drainage Study
- Geotechnical Report
- Preliminary Sewer Report
- Preliminary Water Report
- Confirmation of Taxes Paid



PROJECT LOCATION

The project site is located within the Silver Oak Planned Unit Development at the northeast corner of Oakridge Drive and West College Parkway. The total project area is 3.45 acres and is comprised of two separate parcels, APNs 007-46-217 (1.04 acres) and 007-46-216 (2.41 acres). The subject properties are currently undeveloped and are adjacent to existing residential and open space uses.

Figure 1: Project Location



EXISTING CONDITIONS

The site is designated High Density Residential per the Master Plan and is zoned Neighborhood Business with a PUD overlay (NB-P).

Figure 2: Existing Master Plan Designation: High Density Residential

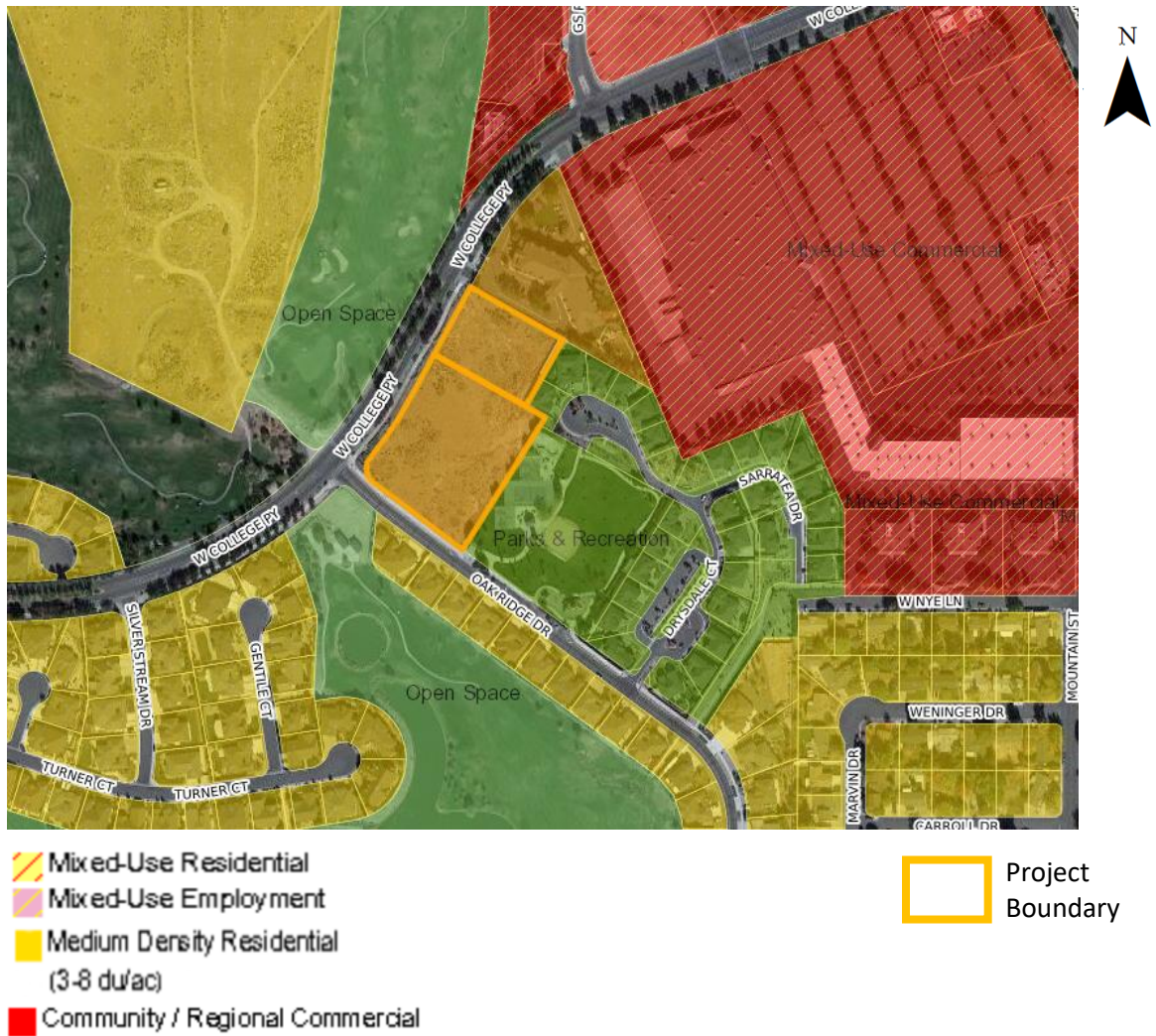
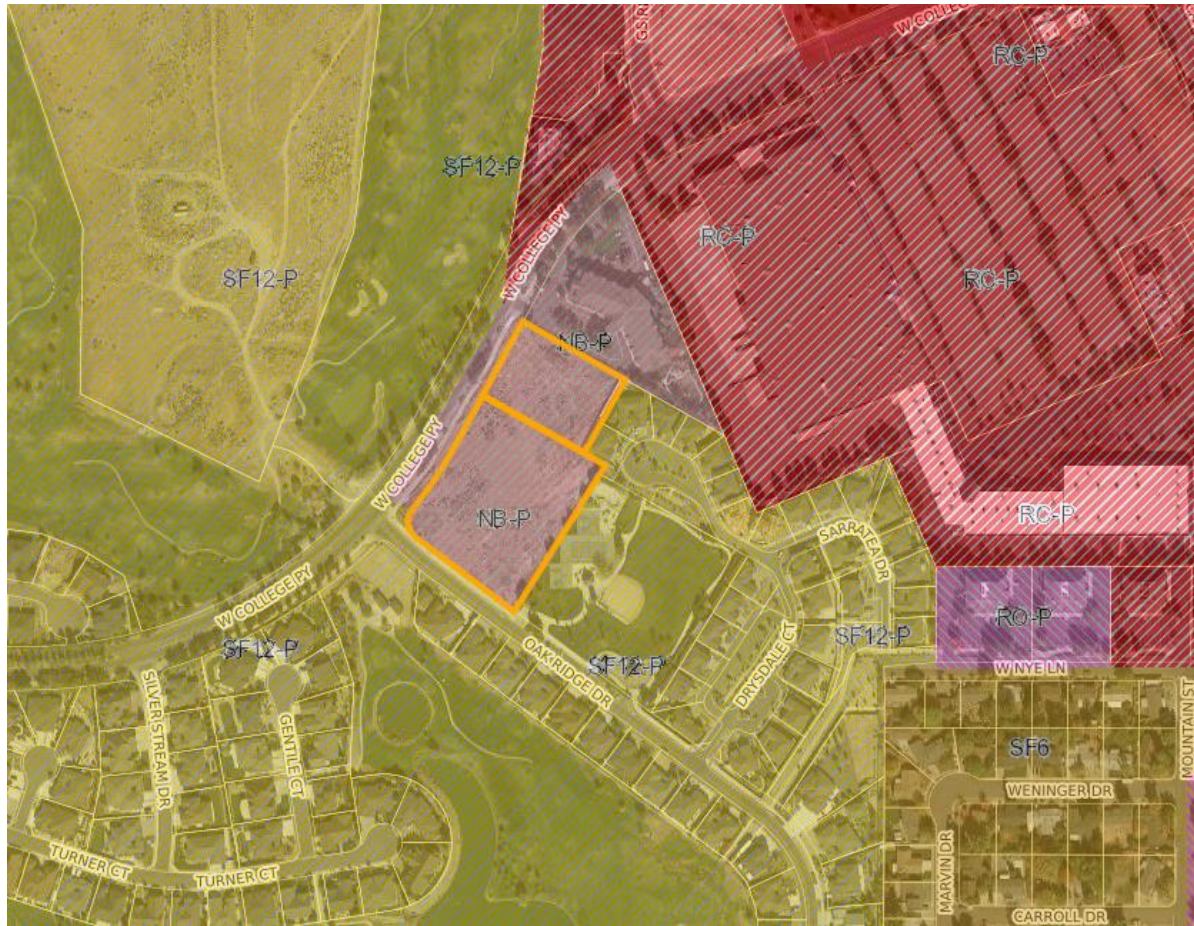


Figure 3: Existing Zoning Designation: Neighborhood Business with PUD Overlay



 Project Boundary

The surrounding Master Plan designations, zoning, and current land uses are as depicted in Figure 4.

Figure 4: Surrounding Property Designations

Direction	Master Plan	Zoning	Current Land Use
North	High Density Residential	NB-P	Senior Living Facility
South	Medium Density Residential and Open Space	Single Family 12,000 SF PUD (SF12-P)	Single Family Residential and Golf Course
East	Parks and Recreation	SF12-P	Single Family Residential and Park
West	Open Space	SF12-P	Golf Course



APPLICATION REQUEST

This application package includes requests for:

- 1) A **Tentative Map** to create 52 attached single-family residences on a 3.45 acre parcel; and
- 2) A **Special Use Permit** to allow for a residential use within a non-residential zoning district.
- 3) A **Major Variance** to reduce the setback along the property line adjacent to the existing public park.

PROJECT DESCRIPTION AND JUSTIFICATION

Lanturn Investments proposes a Tentative Map (TM) to create 52 attached single-family residences on a 3.45-acre site (15.07 DU/acre). The single-family units range in size from 1,529 square feet (sf) to 1,627 sf, with an average size of 1,578 sf. The site plan includes 10 building pads with 5 units per pad and 1 building pad with 2 units. The units are proposed to be a standard 2-story height to comply with underlying zoning regulations. Each unit will include three bedrooms, an attached 2-car garage, porch, and patio. The individual lot boundaries will include the building footprints, roof overhangs, patio and porch.

Carson City Municipal Code (CCMC) 18.04.120.03 allows for attached single-family dwellings in the Neighborhood Business (NB) zoning district with a Special Use Permit to allow for residential development in a non-residential district. Additionally, Carson City Development Standards (CCDS) 1.18 outlines the supplemental standards for residential development in a non-residential district. Both code sections are addressed in further detail later in this document. Lastly, a Major Variance will be sought to reduce the required setback along the eastern property line adjacent to the existing public park from 30' to 10'.

Project Benefit

The 3.45-acre site is in close proximity to desirable amenities such as retail shopping, restaurants and open space. The proposed development will provide a complimentary residential use to the area that diversifies the housing types available and serves as a transition use between the existing single family uses to the south and west and the more intense commercial uses to the northeast. Additionally, the proposed housing type will be appealing to both first time homeowners and downsizers by providing an urban design with open space that connects to regional trails.

Open Space

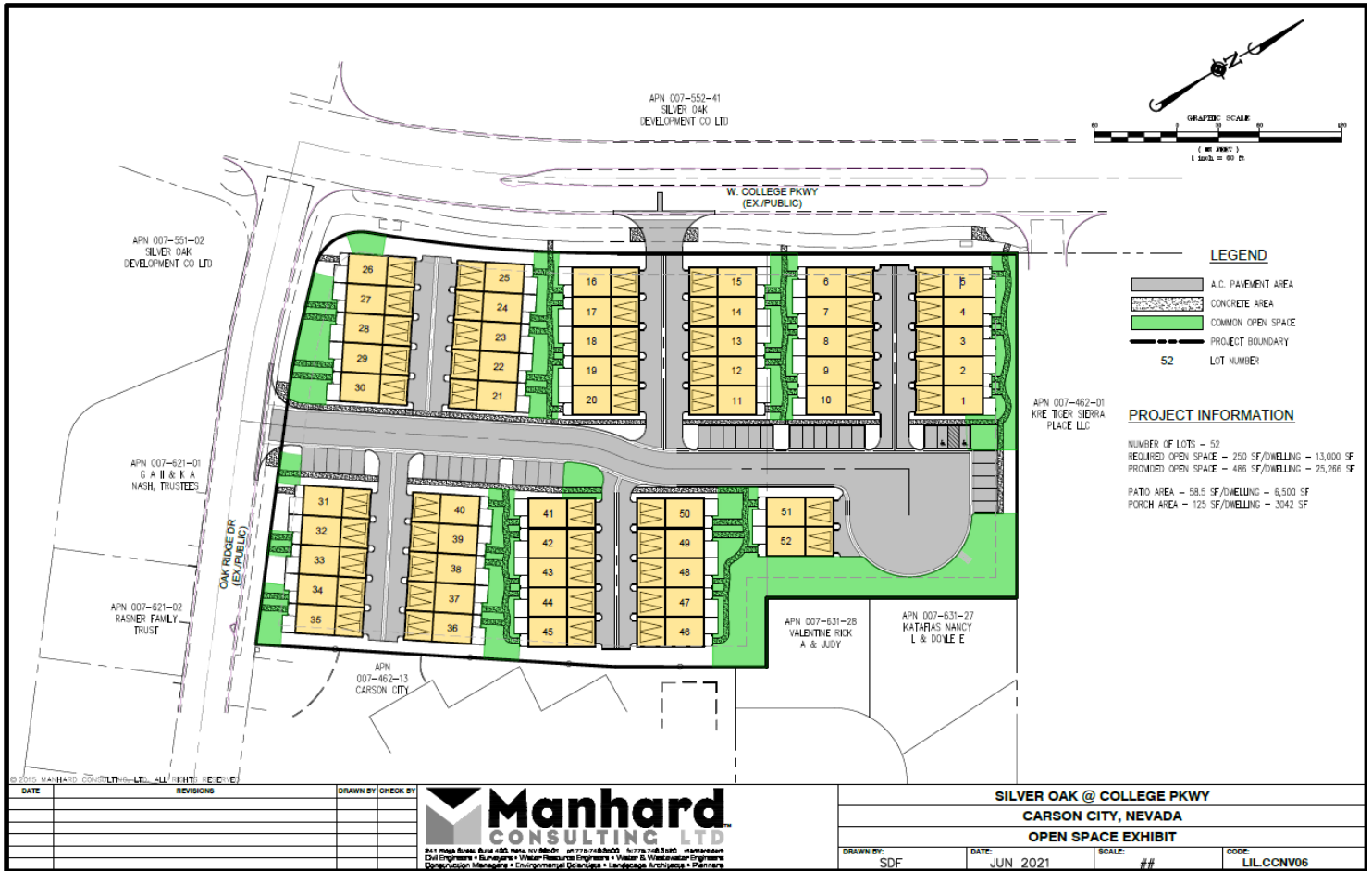
Open Space for the proposed development is mandated by CCDC 1.18(6)(c), which reads (emphasis added):

“For **Single-Family Residential development** or Two-Family Residential development, a minimum of **250 square feet** of open space must be provided for each unit either as private open space or common open space”.



In accordance with this provision, 13,000 sf (52 units x 250 sf/unit) of open space is required. The design exceeds the open space requirement by providing 25,266 sf as common open space within the site which will be maintained by a homeowner's association, or similar entity. Please note that the common open space will be privately-owned (HOA or similar) and is intended for use by the Silver Oak and College Parkway residents. See Figure 5 for the Open Space Exhibit that depicts where the common open space is located. See Figure 6 for details of the provided Open Space.

Figure 5: Open Space Exhibit



Setbacks

The proposed lot configurations meet or exceed the setbacks for NB zoning within the interior and the perimeter of the development. The perimeter setbacks along Oak Ridge Drive and West College Parkway were measured, based on the Municipal Code and staff direction, from the zoning boundary (centerline of each road) and not the property boundary. Accommodating CCDS 1.18.4, the required 20' setback when adjacent to residential zoning (SF12-P) plus 10' additional setback for 2 stories is provided in the development where the proposed use is directly adjacent to existing residential structures. The setback for the remainder of the property line adjacent to residential zoning (SF12-P) is proposed to be 10'. A Major Variance is being applied for this reduced setback and the justification for such is addressed in further detail later in this document.



Figure 6: Development Standards (for residential development in non-residential zoning districts)

	Residential Standards	Proposed
Permitted Uses	Residential uses are only allowed as a conditional use in the Neighborhood Business zoning district	Single Family dwelling - Section 18.04.120(3)
Maximum Permitted Density	No maximum residential density	15.07 units/acre (52 units/3.45 acres)
Maximum Height	26'	Two-story, not to exceed 26'
Setbacks *subject to Division 1.18 (res. development standards in non-res. districts)	Front- 0' Side- 0' Street Side- 0' Rear- 0' * Min. 20' perimeter setback required adjacent to residential zoning plus 10' for 2 stories	Front- 10' Side- 15' Street Side- 10' Rear- 10' Adj to Park, 30' Adj to SF12-P
Open Space	250 sf per unit (common or private open space) = 13,000 sf (52 x 250)	25,266 sf

Access

Vehicular access is proposed with a right-in and right-out on West College Parkway and a full access on Oak Ridge Drive. The proposed interior streets are to be private with an edge to edge pavement dimension of 23 ft. The sections will require approval by the Carson City Fire Department. The interior streets will be posted for no on-street parking. Off-street parking will be provided in common area facilities.

The proposed development plan includes 4' wide sidewalks along both sides of the main internal roadway for pedestrian access throughout the site. A network of service walks connects to these internal sidewalks, which ultimately connect to the existing paths along West College Parkway and Oak Ridge Drive. This network of sidewalks offers residents a safe and walkable neighborhood.

Traffic

Per the ITE Trip Generation tables (6th edition) the proposed 52 units will not generate over 80 peak hour trips or 500 ADT (Average Daily Trips): therefore, the design does not necessitate submittal of a traffic impact study (per Title 18 Appendix: Division 12.13 – Traffic and impact study requirements).

Figure 7: ITE Average Trip Generation

Land Use	Dwelling Units	ADT	AM Peak Hour (weekday)	PM Peak Hour (weekday)
Residential Townhouses	52	305 (52 units x 5.86 ADT: weekdays)	23 (52 units x 0.44 trips: 7AM -9AM)	28 (52 units x 0.54 trips: 4PM-6PM)



Water/Sewer

The site will be provided water and sewer services from the City. Water will be connected in a loop system to existing 12" main at West College Parkway and existing 10" main at Oak Ridge Drive. The onsite sanitary sewer will connect to an existing 8" main at the northeast corner of the subject property.

Drainage

On-site detention for the project has previously been accounted for in the Master Drainage Study for Silver Oak, which identifies connection to the fairway directly across West College Parkway from the project site. A small water quality basin is proposed on-site at the northeast corner of the property. This basin is intended to provide filtration of sediment before discharge to the golf course infrastructure via an existing 24" storm drainpipe.

Floodplain

The project area is designated as Flood Zone X, which indicates a minimal flood hazard.

Phasing

No phasing is proposed with this submittal.

Architecture

Conceptual renderings for the proposal are being prepared and will be submitted at a later date. Preliminary elevations and floor plans for the proposed buildings were provided and can be found in Figure 8.



Figure 8: Proposed Building Elevations and Floor Plans



FRONT ELEVATION

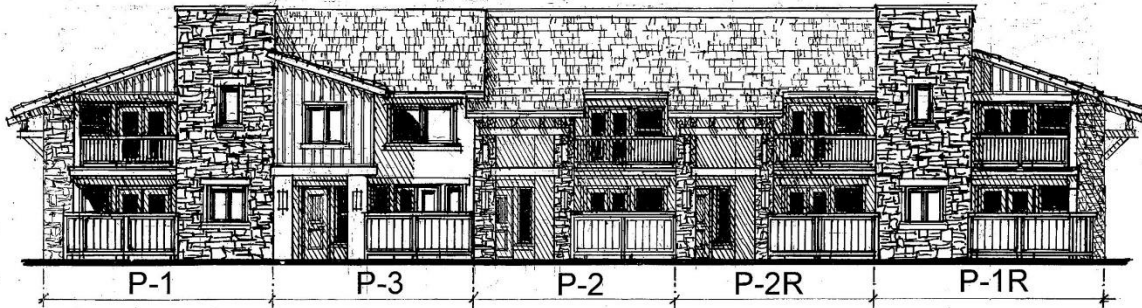
1/8"=1'-0"

BUILDING - 1

FIVE UNITS

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES

6/16/21



FRONT ELEVATION

1/8"=1'-0"

BUILDING - 1

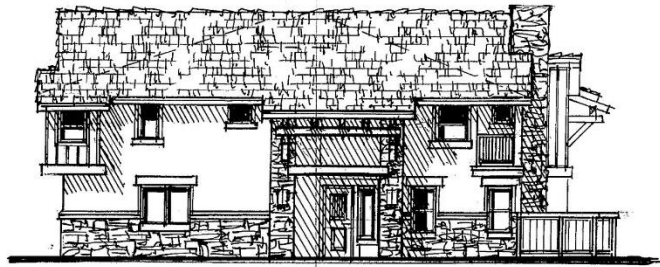
FIVE UNITS

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES

6/23/21



Figure 8: Proposed Building Elevations and Floor Plans (continued)



P-1

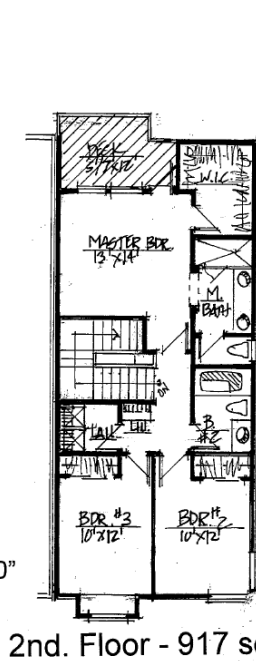
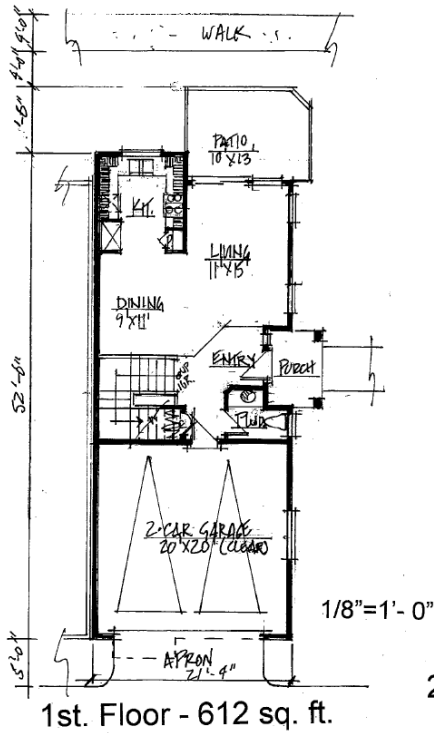
SIDE ELEVATION

1/8"=1'-0"

BUILDING - 1

6/23/21

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES



PLAN - 1

End Unit (only)

1529 sq. ft.

3 BDR./2.5 B

TOWNHOME

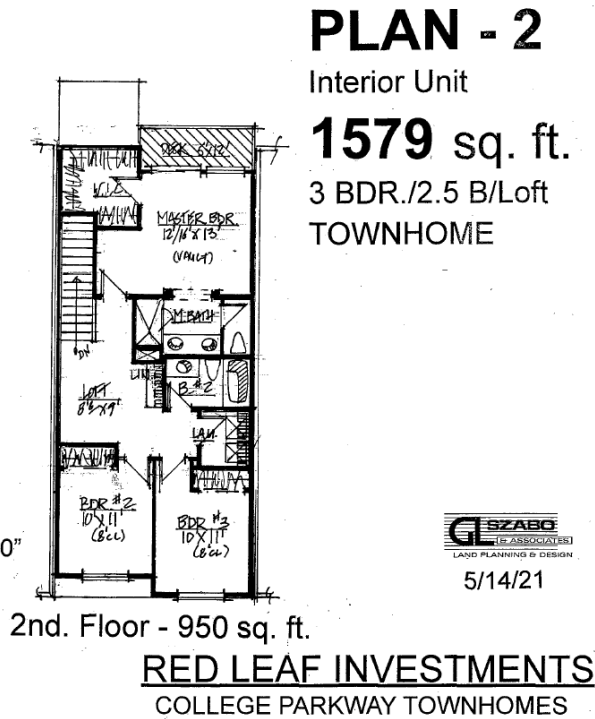
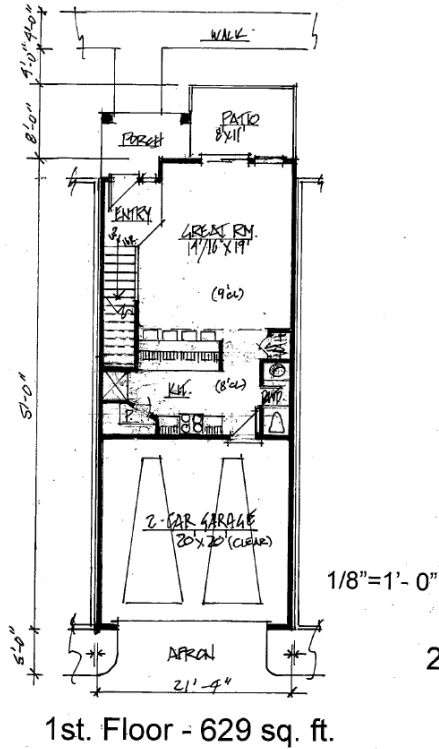


5/14/21

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES



Figure 8: Proposed Building Elevations and Floor Plans (continued)



PLAN - 2

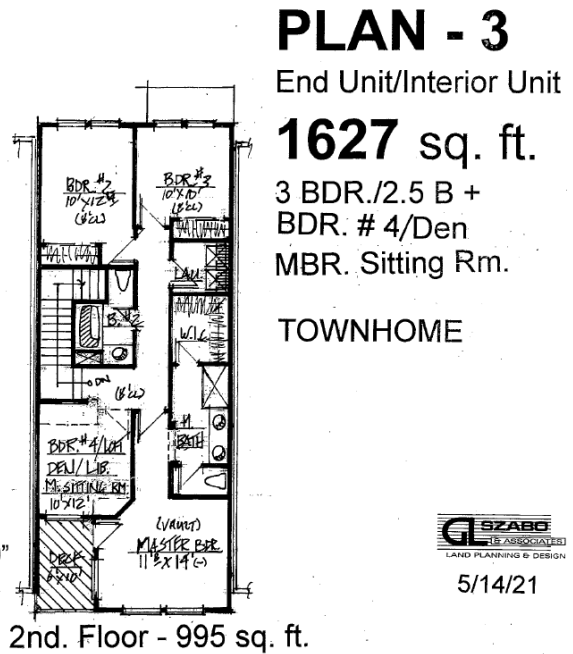
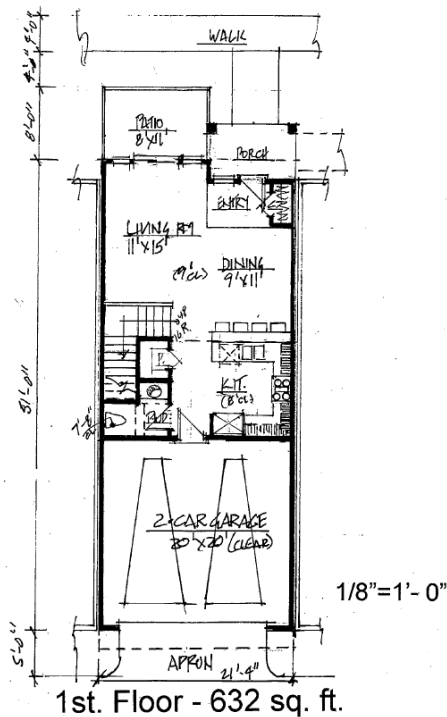
Interior Unit

1579 sq. ft.

3 BDR./2.5 B/Loft
TOWNHOME

GSZABO
ASSOCIATES
LAND PLANNING & DESIGN
5/14/21

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES



PLAN - 3

End Unit/Interior Unit

1627 sq. ft.

3 BDR./2.5 B +
BDR. # 4/Den
MBR. Sitting Rm.
TOWNHOME

GSZABO
ASSOCIATES
LAND PLANNING & DESIGN
5/14/21

RED LEAF INVESTMENTS
COLLEGE PARKWAY TOWNHOMES



Parking

Two garage stalls are provided with each unit, which meets code requirements. Per code, the required guest parking to be provided for the proposed 52 units is 26 stalls. The proposed site plan includes an excess of guest parking with 35 stalls.

Figure 9: Parking Calculations

CCMC Parking Requirement	# of Residential Units	Required Parking per CCMC	Provided Parking (guest stalls and garages)	Accessible Parking Provided
2 per unit plus 1 guest stall for every 2 units	52	130 (52 x 2.5)	139 (104 garage stalls + 35 guest stalls)	2

MASTER PLAN POLICY CHECKLIST/FINDINGS

The purpose of the Master Plan Policy Checklist is to provide a list of answers that address whether a development proposal is in conformance with the goals and objectives of the 2006 Carson City Master Plan that are related to this Tentative Map application. The Checklist is included with this letter. In addition, the following are included:

- **Tentative Map Findings;** and
- **Special Use Permit Findings;** and
- **CCDS 18.1.18 - Residential Development in Non-Residential Districts Comments;** and
- **Major Variance Findings.**

The project complies with the Master Plan and accomplishes the following objectives.

Chapter 3: A Balanced Land Use Pattern

1. Goal 1.1c-Water Conservation: The proposed project is expected to encourage water conservation efforts through low-water landscaping, low-flow fixtures, and/or other water saving devices.
2. Goal 1.1e-Sustainable Construction Techniques: The proposed project is expected to utilize sustainable building materials and construction techniques.
3. Goal 1.5d–Coordination of Services: The site location will allow the development to be adequately served by city services including fire and sheriff services.
4. Goal 3.3d-Floodplain and Hazard Area Development: The proposed development is not within the 100-year floodplain or other hazardous areas.
5. Mixed Use Employment Policy 1.4-Location: The site is located on existing collector and local streets.



Chapter 4: Equitable Distribution of Recreational Opportunities

1. The proposed project does not include public recreational facilities, but provides connection to existing network of public paths.

Chapter 5: Economic Vitality

1. Goal 5.1j-Housing Mix: The proposed development will provide a housing type that will be appealing to first time homebuyers, young professionals. and downsizers. This is consistent with the City's goals to encourage a mix of housing for the labor force and the non-labor force.

Chapter 6: Livable Neighborhoods and Activity Centers

1. Goal 6.1a-Durable Materials: The proposed project is expected to utilize durable, long-lasting building materials.
2. Goal 6.1c-Variety and Visual Interest: The proposed development will incorporate defined entrances and pedestrian connections, landscaping, and other features consistent with the City's Development Standards.
3. Goal 6.2a-Neighborhood Compatibility: The proposed development will provide appropriate height, density, and setback transitions to ensure compatibility with surrounding development.
4. Goal 9.4b-"Spot" Rezoning: The proposed project will not require "spot" rezoning of the site and aims to provide a complimentary residential component that will serve as a transition between single family and nonresidential uses.

Chapter 7: A Connected City

1. Goal 11.2b-Transit Supportive Development: The site is located with frontage on a minor collector (West College Parkway) and a local street (Oak Ridge Drive) with multiple bus transit stops (JAC) within walking distance.

Chapter 8: Specific Plan Areas

The proposed project is not within a Specific Plan Area.



TENTATIVE MAP FINDINGS

In accordance with Carson City Municipal Code Section 17.07.005, this project has been designed to consider the following:

- 1. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

All environmental health laws and regulations regarding water, air pollution, and waste disposal will be incorporated into the proposed project.

- 2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.**

Water is available to the site. It will be provided by Carson City, conform to the applicable health standards, and fulfill quantity requirements for residences.

- 3. The availability and accessibility of utilities.**

Public utilities are currently available to serve the proposed project.

- 4. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.**

Police services are currently provided by the Carson City Sheriff's Office. Fire protection will be provided by the Carson City Fire Department. The project meets the requirements of the Fire Department. The Regional Transportation Commission is responsible for transportation in and around the project area. Carson City Parks Department provides recreational and parks services, although this project is not expected to impact recreational services. Educational services are provided by Carson City School District.

- 5. Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.**

The project incorporates public access to the public park south east of the subject property via connection to an existing path network.

- 6. Conformity with the zoning ordinance and land use element of the city's master plan.**

The proposed project is in conformance with the master plan designation of High Density Residential. The current zoning designation of Neighborhood Business (with a PUD overlay) permits attached single-family residences, but only with a special use permit (requested with this submittal package). The proposed residential development will complement the existing adjacent uses by providing a transition use between the less intense single-family detached homes to the south and more intense commercial uses to the north.

- 7. General conformity with the city's master plan for streets and highways.**



The proposed project includes access to both a minor collector (West College Parkway) and a local street (Oak Ridge Drive).

8. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

The project includes frontages and proposed accesses from a minor collector and a local street. The proposal will not generate enough Average Daily Trips (ADT) to trigger a need for new streets or intersection improvements (See Figure 7 for details).

9. The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.

Site topography is relatively flat and stabilized by on-site vegetation. The parcel is designated by FEMA as Zone X, Area of Minimal Flood Hazard. The site will be designed to accommodate peak flow events and proposes a stormwater basin on the north east corner of the development to catch silt before it leaves the site. A Preliminary Geotechnical Investigation is included with this submittal package.

10. The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.

All recommendations and comments provided during the review of this project will be incorporated where applicable.

11. The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

The availability and accessibility of fire protection to the proposed residential units will be in compliance with Carson City Fire Department recommendations.

12. Recreation and trail easements.

Recreation and trail easements are not applicable to this subdivision.

SPECIAL USE PERMIT FINDINGS

In accordance with Carson City Municipal Code Section 18.02.080, this project has been designed to consider the following:

Findings from a preponderance of evidence must indicate that the proposed use:

1. Will be consistent with the objectives of the Master Plan elements.

The proposed project is consistent with the master plan designation of High Density Residential. The proposed residential development will complement the existing adjacent uses by providing a transition use between the less intense single-family detached homes to the south and more



intense commercial uses to the north. The Master Plan Policy Checklist is included in this application package with additional information.

- 2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties of the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare, or physical activity.**

The surrounding neighborhood is comprised of public park space, single-family detached residential, and commercial uses. The project proposes attached single-family residential units, which provides an ideal transition between commercial use to the north and single-family residential units to the south and east. Landscaping and open space will be in accordance with Carson City requirements, providing appropriate buffering of the development. Landscape/open space areas are shown on the Site Plan. Dust control during construction will be managed in accordance with Carson City requirements and the intended residential use should have no significant impact on surrounding development regarding noise, fumes, odors, or glare.

- 3. Will have little or no detrimental effect on vehicular or pedestrian traffic.**

Figure 7 includes the calculated vehicular trip generation in Average Daily Trips (ADT) as well as peak AM and PM hours per the ITE Trip Generation manual. The figures (305 ADT, 23 AM peak trips, 28 PM peak trips) represent a modest impact on traffic in the area and do not trigger a traffic impact study per Carson City Code.

- 4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.**

The site is located along a minor collector and a local street within the NB zoning district and is served by public services including schools, police and fire protection, water, and sanitary sewer. The addition of 52 residential units within a business zoning district will not overburden public services or facilities.

- 5. Meets the definition and specific standards set forth elsewhere in this Title for such particular use and meets the purpose statement of that district.**

Single-family attached dwellings are permitted in the NB zoning district subject to approval of a Special Use Permit (CCMC Section 18.04.120(3)). The proposed project meets the specific standards set forth in CCMC Section 18.04.120 and Title 18 Appendix 1.18, residential development standards in non-residential districts.

- 6. Will not be detrimental to the public health, safety, convenience and welfare.**

Providing new single-family dwellings with modern construction methods will not be detrimental to the public health, safety, and welfare because the area is intended for low intensity and residential uses.



7. **Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.**

The proposed use will meet the intended use (high density residential) of the area designated in the Carson City master plan. Additionally, the development will be consistent with or exceed city standards related to open space, including proposed landscaping along the perimeter of the site. No foreseeable damage or prejudice to other properties is envisioned.

RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS

The following standards are intended to establish minimum standards and Special Use Permit review criteria for residential development within the Neighborhood Business (NB), Retail Commercial (RC), General Commercial (GC), Residential Office (RO) and General Office (GO) zoning districts (CCMC Section 18.1.18).

1. **Permitted uses. Residential uses are only allowed as permitted by Chapter 18.04, Use Districts, as a primary or conditional use in the applicable zoning districts.**

Residential uses, as proposed, are allowed as a conditional use within the Neighborhood Business (NB) zoning district.

2. **Maximum permitted density. There is no maximum residential density within non-residential zoning districts subject to meeting the height, setback, parking and open space requirements of this chapter.**

The proposed density of 15.07 units per acre (52 units/3.45 acres) is compatible with the surrounding land uses and provides a suitable transition use between adjacent single-family residences to the south and east and more intense commercial uses to the north. The design conforms to development standards within CCMC 18.1.18

3. **Maximum building height shall be the maximum height established by the zoning district in which the project is located.**

The proposed residential structures are to be a standard 2-story height and will be under the twenty six (26) feet maximum in the NB zoning district.

4. **Setbacks. Minimum setbacks shall be those established by the zoning district in which the project is located, subject to the following:**

- a. **In the NB, RC, GC and GO zoning districts, a minimum setback of twenty (20) feet is required adjacent to a residential zoning district, with an additional ten (10) feet for each story above one (1) story if adjacent to a single-family zoning district.**
- b. **A minimum setback of ten (10) feet is required from the right-of-way of an arterial street as identified in the adopted Transportation Master Plan, excluding the Downtown Mixed-Use area.**



The proposed setbacks within the interior and the perimeter of the development meet or exceed the setbacks for the NB district. The perimeter setbacks along Oak Ridge Drive and West College Parkway are 30', accommodating CCDS 1.18.4, which requires 20' setbacks adjacent to residential districts (SF12-P) plus an additional 10' for each story above one. The interior setbacks meet or exceed those required in the NB zoning district.

5. Required parking: Two (2) spaces per dwelling unit; and in compliance with the Development Standards Division 2, Parking and Loading.

The site design does not include on-street parking, so CCMC requires one stall per two units for guest parking in addition to the base requirement of two stalls per unit. As demonstrated in Figure 9: Parking Calculations, the design provides two garage stalls with each unit, which meets code requirements. Per code, the required guest parking to be provided for the proposed 52 units is 26 stalls. The proposed site plan includes an excess of guest parking with 35 stalls.

6. Open Space.

- a. A minimum of one hundred fifty (150) square feet per dwelling unit of common open space must be provided. For projects of ten (10) or more units, areas of common open space may only include contiguous landscaped areas with no dimension less than fifteen (15) feet, and a minimum of one hundred (100) square feet per unit of the common open space area must be designed for recreation, which may include but not be limited to picnic areas, sports courts, a softscape surface covered with turf, sand or similar materials acceptable for use by young children, including play equipment and trees, with no dimension less than twenty-five (25) feet.**
- b. A minimum of one hundred (100) square feet of additional open space must be provided for each unit either as private open space or common open space.**
- c. Front and street side yard setback areas may not be included toward meeting the open space requirements.**

Please reference *Figure 6: Development Standards (for residential development in non-residential zoning districts)* for demonstration of meeting and exceeding compliance with these standards. Each residential lot includes a minimum 250 sf of common open space provided within the development.

7. Landscaping. Landscaping shall comply with the Carson City Development Standards Division 3, Landscaping.

The proposed landscaping plan was designed in accordance with CCMC.

8. Special Use Permit review standards. Where a residential use is a conditional use within a given zoning district, the Planning Commission shall make two (2) of the following findings in the affirmative in the review of the Special Use Permit in addition to the required findings of Section 18.02.080 of the Carson City Municipal Code.

- a. The development is not situated on a primary commercial arterial street frontage.**



- b. The development is integrated into a mixed-use development that includes commercial development**
- c. The applicant has provided evidence that the site is not a viable location for commercial uses.**
- d. The site is designated Mixed-Use Commercial, Mixed-Use Residential or Mixed-Use Employment on the Master Plan Land Use Map and the project meets all applicable mixed-use criteria and standards**

The proposed project complies with findings **a**, and **b** above.

- a.** The site is located at the intersection of a minor collector and a local street with residential zoning bordering the site to the west, south and east. The minor collector also has a curbed median, which would hinder easy access to any commercial uses locating on this property.
- b.** The site is directly adjacent to a senior living facility to the north and then commercial uses to the north of that. The proposed development would integrate well into the surrounding developments and serve as a viable and effective transition use between single-family and commercial uses in the area.

MAJOR VARIANCE FINDINGS

In accordance with Carson City Municipal Code Section 18.02.085(5), the following findings of fact are provided to supplement the Major Variance application:

- 1. That because of special circumstances to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classifications.**

The relationship between the subject property’s zoning classification and the zoning/existing use of the adjacent property to the east provides a unique situation. The majority of the eastern property line of the subject property (zoned NB-P) is adjacent to an existing public park (zoned SF12-P); a use that should continue in perpetuity and is compatible with the proposed use of the subject property. The required 20’ setback when adjacent to residential zoning plus 10’ additional setback for 2 stories for a residential development in a non-residential district is provided in the development where the proposed use is directly adjacent to existing residential structures. Applying this same setback to the portion of the subject site directly adjacent to the existing park would be excessive and unnecessary.

- 2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.**

Only the areas of the proposed development that are directly adjacent to the existing park will incorporate a reduced setback provided by this variance request. The remaining areas of the proposed development will provide setbacks per code requirements. The granting of this application will afford the applicant with all of their rights to developing this property while not hindering the property rights of adjacent landowners.



3. **That granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the su**

The granting of this application will not negatively affect the health or safety of people living or working in the neighborhood as the variance only affects the proximity of some of the proposed buildings in relation to existing public open space. The public open space will still be able to be utilized and enjoyed by area residents, with no negative affects to their health, safety and general welfare. Such a variance will not set any precedents that will reduce or hinder adjacent property rights and values in the future as there are not any neighboring properties that are zoned in a manner that would create the same unique situation that exists with subject project.

